

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

MULTI MEDIA, L.L.C., et al.,

Defendants.

Civil Action No. 14-2340 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

DATA CONVERSIONS, INC., et al.,

Defendants.

Civil Action No. 14-2345 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

FLYING CROCODILE, INC., et al.,

Defendants.

Civil Action No. 14-2674 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

GATTYÁN GROUP S.à.r.l., et al.,

Defendants.

Civil Action No. 14-2832 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

**FRIENDFINDER NETWORKS INC.,
et al.,**

Defendants.

Civil Action No. 14-3456 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

VUBEOLOGY, INC., et al.,

Defendants.

Civil Action No. 14-4531 (ES) (MAH)

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

WEBPOWER, INC., et al.,

Defendants.

Civil Action No. 15-3581 (ES) (MAH)

ORDER

It appearing that on July 28, 2017, Defendants moved to dismiss this matter or, in the alternative, to transfer venue under 28 U.S.C. § 1406 based on TC Heartland LLC v. Kraft Foods Group Brands LLC, 137 S. Ct. 1514 (2017);

and Defendants, by letter filed on September 26, 2017 (D.E. 146), having informed the Court that they have reason to believe, based on fact discovery, that this Court lacks subject matter jurisdiction over these matters, but that Defendants have not made a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) because of the pending motion to dismiss or transfer venue;

and it being well settled that “[t]o effectuate a § 1406(a) transfer to a proper venue, a court must possess subject matter jurisdiction over the case[.]” Spiniello Companies v. Moynier, Civ. No. 13-5145 (KM), 2014 WL 7205349, *6 (D.N.J. Dec. 17, 2014) (citing C. Wright, A. Miller et al., 14D Federal Practice and Procedure § 3827 (4th ed.));

and it therefore appearing that before the Court may consider Defendants’ motion seeking relief under 28 U.S.C. § 1406(a), it must consider whether it has subject jurisdiction over this matter;

IT IS on this 2nd day of October 2017,

ORDERED that the pending motions to dismiss or transfer under § 1406(a) is terminated without prejudice, as follows: *WAG Acquisition, LLC v. Multi-Media, LLC*, Civil Action No. 14-2340 (ES), D.E. 153; *WAG Acquisition, LLC v. Data Conversions, Inc.*, Civil Action No. 14-2345 (ES), D.E. 140; *WAG Acquisition, LLC v. Flying Crocodile, Inc.*, Civil Action No. 14-2674 (ES), D.E. 131; *WAG Acquisition, LLC v. Gattyán Group S.à.r.l.*, Civil Action No. 14-2832 (ES), D.E. 140; *WAG Acquisition, LLC v. Friendfinder Networks, Inc.*, Civil Action No. 14-3456

(ES), D.E. 138; *WAG Acquisition, LLC v. Vubeology, Inc.*, Civil Action No. 14-4531 (ES), D.E. 116; *WAG Acquisition, LLC v. Webpower, Inc.*, Civil Action No. 15-3581 (ES), D.E. 104;

IT IS FURTHER ORDERED that Defendants shall make any motion to dismiss for lack of subject matter, and to dismiss or transfer for improper venue under § 1406(a) on or before **November 22, 2017**; any opposition shall be filed by **December 19, 2017**; any reply shall be filed by **December 26, 2017**.

s/ Michael A. Hammer
UNITED STATES MAGISTRATE JUDGE